

ORDINANCE NO. 2085

AN ORDINANCE AMENDING CHAPTER 4.20 OF THE NEWPORT MUNICIPAL CODE RELATED TO THE REQUIREMENT FOR A MEDICAL MARIJUANA FACILITIES ENDORSEMENT FOR MEDICAL MARIJUANA DISPENSARIES OPERATING IN THE CITY OF NEWPORT, OREGON

Whereas, Chapter 4.20 of the Newport Municipal Code, establishing business license endorsement standards for the operation of medical marijuana dispensaries in the City of Newport was adopted by the City Council on July 21, 2014; and

Whereas, in November 2014, Oregon voters approved Measure 91 which provided for personal growing, possession of limited amounts of non-medical marijuana, and directed the Oregon Liquor Control Commission to administer a licensing system for the production, processing, wholesale, and retail sale of non-medical marijuana.

Whereas, since that time, the Oregon legislature has approved four separate bills that provide guidance to local governments as to what actions can be taken regarding the regulation of recreational marijuana; and

Whereas, one of the approved actions is the sale of recreational marijuana from medical marijuana dispensaries, beginning on October 1, 2015, unless the city enacts an ordinance prohibiting early sales prior to that time; and

Whereas, the Oregon Health Authority recently adopted rules applicable to the sale of recreational marijuana from medical marijuana dispensaries; and

Whereas, marijuana is classified as a Schedule I controlled substance under the Federal Controlled Substances Act, the use, possession, and sale of which is currently illegal under federal law; and

Whereas, this conflict between state and federal law creates uncertainty about cities' ability to regulate medical marijuana dispensaries in their boundaries in compliance with both state and federal law; and

Whereas, pursuant to Article IX, Section 2 of the Oregon Constitution and the Newport Charter, the City of Newport is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the city.

The City of Newport ordains as follows:

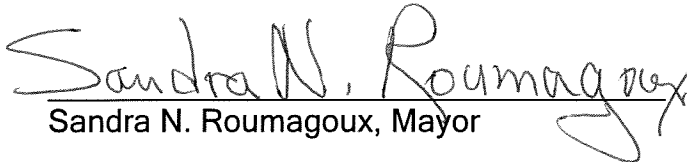
Section 1. Chapter 4.20.010 of the Newport Municipal Code is hereby amended to read:

Medical Marijuana Facility: a facility licensed by the Oregon Health Authority to sell limited marijuana retail product(s) consistent with state law and under rules promulgated by the Oregon Health Authority.

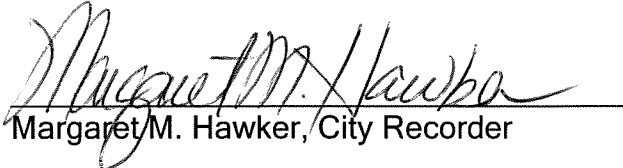
Section 2. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and the ordinance takes effect on October 1, 2015.

Adopted by the Newport City Council on September 8, 2015.

Signed by the Mayor on September 9, 2015.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:


Steven Rich, City Attorney